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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,292	11/27/2001	Rimas Buinevicius	070156-0168	9711
26371	7590	05/17/2005	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/995,292

Applicant(s)

BUINEVICIUS ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,16-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-23, 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Election was made with traverse of Group I, claims 1-25 is acknowledge. Group II, claims 26-30, are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected.
2. It is noted that there seems to be a typographical error on page 2 of the Office Action. On line 5 of paragraph 2, "Group II, claims 20-22" should be read as "Group II, claims 26-30". However, on page 3 of the Office Action, "Group II, claims 26-30" has been indicated correctedly. Applicant's response dated on 03/04/2005 also confirms Group II, claims 26-30, are withdrawn from consideration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4-9, 11-12, 14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159).

As to claims 1, 14, 21, Hamid teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising: capturing media (a plurality of images is captured, col. 6, line 30), biometric (Figure 4, a user provides biometric input information from a fingerprint image, col. 6, lines 64-65), and database information associated with an individual (the profile information, col. 18, line 1, col. 17, line 57 to col. 18, line 29, col. 9, line 48 to col. 10, line 21);

processing the media, biometric, and database information to extract, analyze (i.e. the biometric information samples are provided to a processor associated with their biometric information sources in the form of fingertips, eyes, palm, and voice, col. 11, lines 14-17) and sort through digital information associated with a number of individuals (see Tables 1 and 2 in col. 5 and col. 6, col. 18, lines 31-65, col. 10, lines 22-65).

Hamid does not expressly teach the following limitations. However, Wilson teaches:

providing a user interface (clients computer in fig.1) that can be configured to retrieve, view, manage, compare, and annotate (searching, storing, deleting, inserting

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biometric records, at col. 7, lines 43-33) the captured information and analysis (col. 8, lines 33-50, col. 6, lines 54-67, col. 7, lines 45-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Wilson's teachings of providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis would have enabled Hamid's users to more efficiently, readily expandable store, search, and match of biometric data in a relatively large database.

Wilson teaches including time information (indices as age, date of birth, col. 8, lines 3) with the captured media, biometric, and database information associated (i.e. assigning a plurality of indexes to at least one biometric feature, assigning a plurality of indexes to a database, col. 12, lines 64-66) with an individual to create a multi-modal chronological dossier of the individual (i.e. data groups 25 of the database 20 is assigned by at least one of the plurality of index, age or data of birth, the indexes also has the plurality of indexes defining a plurality of biometric records which are uniformly or generally evenly across the data groups, col. 13, line 1-3 and col. 8, lines 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Wilson's teachings of including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual would have enabled Hamid's users to more efficiently, readily expandable store, search, and match of biometric data in a relatively large database.

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As per claim 2, Willson teaches the media, biometric, and database information includes a facial image, voice audio, or fingerprint (col. 7, lines 8-24).

As to claims 4, 16, Hamid teaches forming a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual (col. 5, line 4 to col. 6, line 26).

As to claims 5, 17, Hamid teaches selectively presenting the summary profile in the user interface (col. 15, line 62 to col. 16, line 52).

As to claims 6, 18, Hamid teaches the selective presentation of the summary profile in the user interface is in response to a search query (col. 17, line 15 to col. 18, line 29).

As to claims 7, 19, Wilson teaches providing for a user defined search of digital information associated with a number of individuals (col. 9, lines 7-18).

As to claims 8, 20, Wilson teaches conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored (col. 9, lines 7-18, col. 11, lines 47-65).

As per claim 9, Wilson teaches the more like this search uses speech, facial, and other biometric information to find matches (col. 7, lines 8-24).

As per claim 11, Wilson teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes analyzing the media, biometric, and database information with respect to identification factors (col. 9, lines 31-50, col. 5, lines 30-43).

As per claim 12, Wilson teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match (col. 7, lines 8-64, col. 8, line 66 to col. 9, line 30).

As per claim 22, Wilson teaches a presentation device, wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual (col. 8, lines 51-65, col. 5, lines 29-43, col. 6, lines 53-67).

As per claim 23, Wilson teaches an interface device configured to connect the CPU with a network of computers (col. 5, lines 30-43).

As per claim 25, Hamid teaches the CPU is further configured to form a summary profile that is an abstract including intelligent portions of various captures of

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media, biometric, and database information associated with the individual (col. 5, line 4 to col. 6, line 26).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Musgrave et al. (US Patent No. 6,505,193).

As per claim 10, Hamid, Wilson do not specifically teach capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual. However, Musgrave teaches at col. 12, lines 43-57.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Musgrave's teachings of displaying video thumbnails of video images of the number of individuals on the user interface would have allowed Hamid's users to conduct fast, accurate, cost-effective biometric database searches.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Kaplan et al. (US Pub. No. 2001/0056434).

As per claim 13, Wilson does not expressly teach displaying video thumbnails of video images of the number of individuals on the user interface. However, Kaplan teaches this limitation [0008], [0052], [0067].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Kaplan's teachings of displaying video thumbnails of video images of the number of individuals on the user interface would have allowed Hamid's users to store, manipulate, and display multimedia content in a simple and intuitive manner.

Response to Arguments

7. Applicant's arguments filed 03/04/2005 have been fully considered but they are not persuasive.

Applicant argues that Hamid and Wilson do not combine to disclose each and every limitation of the amended claims; and do not describe any "time information" or creation of a "multi-modal chronological dossier".

The Examiner respectfully disagrees for the following reasons:

First, Hamid and Wilson do disclose each and every limitation of the amended claims, as discussed in the above rejection.

Second, in response to Applicant's argument which seems to be suggesting that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hamid is directed to a method of registering biometric data.

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Hamid discloses all the limitations of claims 1, 14, 21, but does not disclose “including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual”.

Wilson, however, discloses this limitation as the biometric data associated with biometric indices such as age, date of birth (col. 8, lines 1-3), wherein, the date of birth corresponds to the time information. The database information (i.e. biometric data) is associated with one biometric index (col. 8, lines 41-44) wherein the biometric index can be date of birth (or time information, col. 8, lines 2-4).

Wilson also discloses each of the plurality of data group includes a plurality of records stored therein. Each of the records preferably includes at least one index and data associated with at least one index (i.e. time information or date of birth), (col. 3, lines 56-59). Further, Wilson discloses the biometric records 12 and/or indexes of the data groups 25 of the database 20 are preferably generally evenly distributed or uniformly assigned across the data groups 20 (Fig. 2, col. 9, lines 28-30), which correspond to a multi chronological dossier.

Both Hamid and Wilson Howard references disclose the same field as methods for biometric searching, it would have obvious to one of ordinary skill in the art to combine the cited references because Wilson’s teaching of including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual would advantageously initiate searching in single or multi-dimensional space for multi-dimensional biometric searching capabilities, that would allow users of Hamid’s system

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to more flexibility, readily expandable store, search, and match of biometric data in a relatively large database.

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

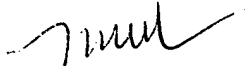
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

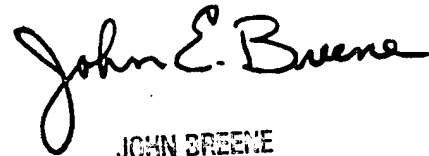
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
May 12, 2005



JOHN BREENE
SUPERVISOR, PATENT EXAMINATION
TECHNOLOGY CENTER 2160